

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
(Northern Division)

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

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CLERK'S OFFICE
AT BALTIMORE

BY _____ DEPUTY

TERESA MILLER,

Plaintiff,

v.

FIA CARD SERVICES, N.A.,

Defendant.

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Case No. BLR 14 CV 1255

NOTICE OF REMOVAL

Defendant FIA CARD SERVICES, N.A., (hereafter "Defendant"), files this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. In support of removal, Defendant states as follows:

1. Plaintiff has filed a lawsuit against Defendant in the Circuit Court of Baltimore City, Maryland, captioned *Teresa Miller v. FIA Card Services, N.A.*, Case No. 24-C-14-001113 OT (the "State Court Action" or "Complaint"). A copy of the Complaint is attached as Exhibit A.
2. As more fully set forth below, this case is properly removed to this Court pursuant to 28 U.S.C. § 1441 because the Defendant has satisfied the procedural requirements for removal, and this court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1441 and U.S.C. § 1332(a).

I. Defendant Has Satisfied the Procedural Requirements for Removal.

1. Removal is timely. This Notice of Removal is being filed within 30 days of the first date on which Defendant may have received a copy of the Complaint, and so it is timely pursuant to 28 U.S.C. § 1446(b).

2. Defendant attaches hereto a copy of all pleadings and other papers in this case pursuant to 28 U.S.C. § 1446(a). *See* Exhibit A.

3. No further proceedings have occurred in the state court action.

4. No previous application has been made for the relief requested herein.

5. Venue is proper. The Circuit Court of Baltimore City, Maryland, is located within the United States District of Maryland, Northern Division, and, therefore, venue is proper in this Court pursuant to 28 U.S.C. § 110 because it is “the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

6. The written notice required by 28 U.S.C. § 1446(d) will be promptly filed in the Circuit Court of Baltimore City, Maryland and served on plaintiff.

II. Diversity of Citizenship

1. Plaintiff, Teresa Miller, is a citizen of the State of Maryland. Compl. ¶ 3.

2. No Defendant is a citizen of Maryland. Defendant FIA Card Services, N.A., was served at its headquarters in Delaware where it is and was at the time Plaintiffs commenced this action, a corporation organized under the laws of the state of Delaware with its principal place of business in Delaware and, therefore, is a citizen of Delaware for purposes of determining diversity. 28 U.S.C. § 1332(c)(1).

3. The Complaint seeks compensatory damages in this Fair Credit Reporting Act and Maryland Consumer Protection Act action against the corporate defendant. Plaintiff seeks damages under Count 1, Count 2 and Count 3 in excess of \$75,000. *See* Complaint at p. 8.

4. This Court has original subject matter jurisdiction over this action under § 1332(a) because there is complete diversity among all properly joined parties and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

5. No proceedings have occurred in the State court action.
6. This case is therefore removable under 28 U.S.C. ¶ 1441(a).
7. For the foregoing reasons, this Court has jurisdiction over this matter.

Wherefore, Defendants respectfully remove this action from the Circuit Court of Baltimore City, Maryland, to this Court pursuant to 28 U.S.C. §§ 1441 and 1332.

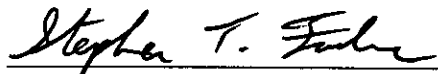
Dated: April 10, 2014

Respectfully submitted,

FIA CARD SERVICES, N.A.

By Counsel

REED SMITH LLP

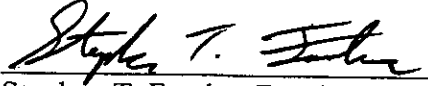


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CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2014, true and correct copy of the foregoing Notice of Notice of Removal was served by First Class Mail, postage prepaid, on:

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